

ASSEMBLY BILL

No. 1383

Introduced by Assembly Member Wesson

February 21, 2003

An act to amend Section 13519.4 of, and to add Title 4.6 (commencing with Section 13620) and Title 4.8 (commencing with Section 13640) to Part 4 of, the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1383, as introduced, Wesson. Peace officers: training and counseling.

Existing law generally regulates the duties and training of peace officers in connection with their employing agencies. Existing law requires the Commission on Peace Officer Standards and Training to establish minimum standards relating to physical, mental, and moral fitness to govern recruitment of local peace officers, as specified, and provides that the commission may adopt regulations to carry out its purposes. The commission has adopted regulations governing continuing professional training of these local peace officers. Existing law requires the commission to develop and disseminate guidelines and training on the racial and cultural differences among the residents of this state for all law enforcement officers who adhere to the standards approved by the commission.

This bill would require those continuing professional training requirements adopted by the commission to include study of the racial and cultural differences among the residents of this state, as specified.

This bill would also provide that every peace officer employed by a local law enforcement agency would be entitled to consult with an

independent psychologist on a one-time, one-visit basis, once every 4 years, at agency expense.

This bill would also require local law enforcement agencies to institute courses of training for peace officers in anger management, frustration tolerance, and information regarding past damage awards for peace officer abuse cases.

By requiring local law enforcement agencies to institute these programs, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13519.4 of the Penal Code is amended
2 to read:

3 13519.4. (a) On or before August 1, 1993, the commission
4 shall develop and disseminate guidelines and training for all law
5 enforcement officers in California as described in subdivision (a)
6 of Section 13510 and who adhere to the standards approved by the
7 commission, on the racial and cultural differences among the
8 residents of this state. The course or courses of instruction and the
9 guidelines shall stress understanding and respect for racial and
10 cultural differences, and development of effective, noncombative
11 methods of carrying out law enforcement duties in a racially and
12 culturally diverse environment.

13 (b) The course of basic training for law enforcement officers
14 shall, no later than August 1, 1993, include adequate instruction on
15 racial and cultural diversity in order to foster mutual respect and
16 cooperation between law enforcement and members of all racial



1 and cultural groups. In developing the training, the commission
2 shall consult with appropriate groups and individuals having an
3 interest and expertise in the field of cultural awareness and
4 diversity.

5 (c) For the purposes of this section, “culturally diverse” and
6 “cultural diversity” include, but are not limited to, gender and
7 sexual orientation issues. The Legislature finds and declares as
8 follows:

9 (1) Racial profiling is a practice that presents a great danger to
10 the fundamental principles of a democratic society. It is abhorrent
11 and cannot be tolerated.

12 (2) Motorists who have been stopped by the police for no
13 reason other than the color of their skin or their apparent
14 nationality or ethnicity are the victims of discriminatory practices.

15 (3) It is the intent of the Legislature in enacting the changes to
16 Section 13519.4 of the Penal Code made by the act that added this
17 subdivision that more than additional training is required to
18 address the pernicious practice of racial profiling and that
19 enactment of this bill is in no way dispositive of the issue of how
20 the state should deal with racial profiling.

21 (4) The working men and women in California law
22 enforcement risk their lives every day. The people of California
23 greatly appreciate the hard work and dedication of law
24 enforcement officers in protecting public safety. The good name
25 of these officers should not be tarnished by the actions of those few
26 who commit discriminatory practices.

27 (d) “Racial profiling,” for purposes of this section, is the
28 practice of detaining a suspect based on a broad set of criteria
29 which casts suspicion on an entire class of people without any
30 individualized suspicion of the particular person being stopped.

31 (e) A law enforcement officer shall not engage in racial
32 profiling.

33 (f) Every law enforcement officer in this state shall participate
34 in expanded training as prescribed and certified by the
35 Commission on Peace Officers Standards and Training. Training
36 shall begin being offered no later than January 1, 2002. The
37 curriculum shall be created by the commission in collaboration
38 with a five-person panel, appointed no later than March 1, 2001,
39 as follows: the Governor shall appoint three members and one
40 member each shall be appointed by the Senate Committee on Rules

1 and the Speaker of the Assembly. Each appointee shall be
2 appointed from among prominent members of the following
3 organizations:

- 4 (1) State Conference of the NAACP.
- 5 (2) Brotherhood Crusade.
- 6 (3) Mexican American Legal Defense and Education Fund.
- 7 (4) The League of United Latin American Citizens.
- 8 (5) American Civil Liberties Union.
- 9 (6) Anti-Defamation League.
- 10 (7) California NOW.
- 11 (8) Asian Pacific Bar of California.
- 12 (9) The Urban League.

13 (g) Members of the panel shall not be compensated, except for
14 reasonable per diem expenses related to their work for panel
15 purposes.

16 (h) The curriculum shall utilize the Tools for Tolerance for Law
17 Enforcement Professionals framework and shall include and
18 examine the patterns, practices, and protocols that make up racial
19 profiling. This training shall prescribe patterns, practices, and
20 protocols that prevent racial profiling. In developing the training,
21 the commission shall consult with appropriate groups and
22 individuals having an interest and expertise in the field of racial
23 profiling. The course of instruction shall include, but not be
24 limited to, adequate consideration of each of the following
25 subjects:

26 (1) Identification of key indices and perspectives that make up
27 cultural differences among residents in a local community.

28 (2) Negative impact of biases, prejudices, and stereotyping on
29 effective law enforcement, including examination of how
30 historical perceptions of discriminatory enforcement practices
31 have harmed police-community relations.

32 (3) The history and the role of the civil rights movement and
33 struggles and their impact on law enforcement.

34 (4) Specific obligations of officers in preventing, reporting,
35 and responding to discriminatory or biased practices by fellow
36 officers.

37 (5) Perspectives of diverse, local constituency groups and
38 experts on particular cultural and police-community relations
39 issues in a local area.



1 (i) Once the initial basic training is completed, each law
2 enforcement officer in California as described in subdivision (a)
3 of Section 13510 who adheres to the standards approved by the
4 commission shall be required to complete a refresher course every
5 five years thereafter, or on a more frequent basis if deemed
6 necessary, in order to keep current with changing racial and
7 cultural trends.

8 (j) The Legislative Analyst shall conduct a study of the data
9 being voluntarily collected by those jurisdictions that have
10 instituted a program of data collection with regard to racial
11 profiling, including, but not limited to, the California Highway
12 Patrol, the City of San Jose, and the City of San Diego, both to
13 ascertain the incidence of racial profiling and whether data
14 collection serves to address and prevent such practices, as well as
15 to assess the value and efficacy of the training herein prescribed
16 with respect to preventing local profiling. The Legislative Analyst
17 may prescribe the manner in which the data is to be submitted and
18 may request that police agencies collecting such data submit it in
19 the requested manner. The Legislative Analyst shall provide to the
20 Legislature a report and recommendations with regard to racial
21 profiling by July 1, 2002.

22 (k) *On or before January 1, 2005, the commission shall include*
23 *peace officer training described in subdivision (a) in the*
24 *commission's continuing professional training requirements.*

25 SEC. 2. Title 4.6 (commencing with Section 13620) is added
26 to Part 4 of the Penal Code, to read:

27
28 TITLE 4.6. PEACE OFFICER PSYCHOLOGIST
29 CONSULTATIONS
30

31 13620. Every peace officer employed by a local law
32 enforcement agency shall be entitled to consult with an
33 independent psychologist on a one-time, one-visit basis, once
34 every four years, at law enforcement agency expense.

35 SEC. 3. Title 4.8 (commencing with Section 13640) is added
36 to Part 4 of the Penal Code, to read:
37

1 TITLE 4.8. LAW ENFORCEMENT AGENCY PROGRAMS

2

3 13640. All local law enforcement agencies shall institute a
4 course of training regarding anger management, frustration
5 tolerance, and information regarding pas damage awards in peace
6 officer abuse cases.

7 SEC. 4. Notwithstanding Section 17610 of the Government
8 Code, if the Commission on State Mandates determines that this
9 act contains costs mandated by the state, reimbursement to local
10 agencies and school districts for those costs shall be made pursuant
11 to Part 7 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the claim for
13 reimbursement does not exceed one million dollars (\$1,000,000),
14 reimbursement shall be made from the State Mandates Claims
15 Fund.

